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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,716	12/22/2000	Sara Elo Dean	POU920000205US1	5358

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FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI
& BIANCO P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

EXAMINER
BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/748,716	DEAN ET AL.
	Examiner	Art Unit	
	Dennis G. Bonshock	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

NON-FINAL ACTION

Response to Amendment

1.   It is hereby acknowledged that the following papers have been received and

placed on record in the file: Amendment as received on 1-12-2006.

Claims 1-39 have been examined.

Status of Claims:

2.   Claims 1-9, 11-31, and 33-39 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent Publication No. 2002/0085020 A1 to Carroll, Jr., hereinafter

Carroll.

3.   Claims 10 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent Application Publication 2002/0085020 A1 Carroll, Jr.) and US Patent

Application Publication 2002/0087571 A1 (Stapel et al).

Affidavit Under 37 CFR 1.13

4.   The affidavit filed on 7-21-2005 under 37 CFR 1.131 has been considered but is

ineffective to overcome the Carroll reference.

5.   The affidavit fails to meet all requirements for filing an affidavit or declaration as

specified in MPEP 715.07:

> *The affidavit or declaration and exhibits must clearly explain which facts or*
>
> *data applicant is relying on to show completion of his or her invention prior*

to the particular date. Vague and general statements in broad terms about

what the exhibits describe along with a general assertion that the exhibits

describe a reduction to practice "amounts essentially to mere pleading,

unsupported by proof or a showing of facts" and, thus, does not satisfy the

requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184

USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the

exhibits pointing out exactly what facts are established and relied on by

applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry,

333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts

exist but does not tell what they are or when they occurred.").

6.   The applicants give no clear direct relationship between the claims and the

evidence documents. The applicant attempts to make an association for representative

claims 1, but a relationship can not be seen. Claim 1 relies on evidence from Exhibit A,

but the pages and line numbers do not correspond to the document, for example: for

the limitation of "receiving a user selection for a document type" the applicant relies

upon page 3, step 2.3 in Exhibit A, going to this page you find a blank page with the

number 3, on the bottom of it, etc. The applicant further relies upon the evidence of

Exhibit I for the limitation of "presenting a UI editor by assembling the one or more

interface controls so that the presentation of the UI editor is free from specific document

type definition syntax;" when going to Exhibit I, 4 separate screen shots are shown none

of which show an assembling of user interface controls so that the editor is a "free form

specific document type definition syntax". The declaration is therefore generic and

would not be adequate in removing the prior art of record.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-9, 11-31, and 33-39 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent Publication No. 2002/0085020 A1 to Carroll, Jr., hereinafter

Carroll.

9.   Referring to claims 1, 23, and 39, Carroll discloses in paragraph 24 a system for

creating a user interface wherein the system comprises a parser, an application source

code file, an application interface file, an interface grammar, and an interface library. To

create the user interface, a developer first selects an application interface file. This step

corresponds to the claimed step of receiving a user selection of a document type. In

paragraphs 235 and 236, Carroll discloses selecting "Bliss.xml" as the interface file. The

developer must then select a document type definition (DTD), which defines the

document's type and the grammatical rules that it adheres to. In paragraphs 238 and

239, Carroll discloses the step of selecting the "Joy" DTD. Carroll further discloses in

paragraphs 251 and 252 that an application source code file is created for specifying

the application logic. In paragraph 188, Carroll explains that the parser uses information

from the application source code file and the application interface file to construct the

application's user interface. Carroll further explains in paragraph 188 that the application

source code selects a plurality of elements specified by the DTD during the parsing

process. The selected elements are then mapped to interface controls located in the

interface library. In paragraph 270, Carroll discloses a GUI builder or UI editor with

which developers can "easily manipulate and specify, through a series of hierarchical

properties and input fields, a particular graphical user interface definition." Carroll further

discloses in this paragraph that the graphical-based tool prevents developers from

having to manipulate the XML files directly. Therefore, the UI editor assembles one or

more interface controls without presenting specific DTD syntax to a user. The UI editor

is further illustrated in Figure 22. The UI editor can further accept user input for one or

more content objects associated with the user interface controls. Carroll discloses in

paragraph 304 that UI editor allows objects to be dragged from a palette and dropped

onto a window. The content objects must then subsequently be aggregated to create a

complete user interface.

10.   Referring to claims 2 and 24, Carroll discloses in paragraph 21 that the XML

documents that describe the user interface are associated with a DTD and an XML

Schema.

11.   Referring to claims 3, 4, 25, and 26, Carroll discloses in paragraph 304 and

figure 22 that the UI editor comprises a WYSIWYG graphical user interface.

12.   Referring to claims 5 and 27, Carroll discloses in paragraph 270 that users can "easily manipulate and specify, through a series of hierarchical properties and input fields, a particular graphical user interface definition." This type of interface can be considered a wizard.

13.   Referring to claims 6 and 28, Carroll discloses in Figure 14 a sample interface that includes a plurality of interface controls such as icons, pull-down menus, buttons, a window, and more.

14.   Referring to claims 7 and 29, Carroll discloses a sample XML document in paragraph 243 wherein a plurality of types and hierarchical levels are defined. Accordingly, the parsing process must determine the type and hierarchical context of each interface element. The mapping step, furthermore, must map the type and context to the interface controls in order for them to be displayed properly.

15.   Referring to claims 8, 9, 30, and 31, Carroll discloses in paragraph 188 utilizing a Java property file during the parsing process. In paragraphs 106 and 107, Carroll defines a Java property file as a text file that is associated with a Java class and is used to load a user's language and locale settings.

16.   Referring to claims 11, 12, 33, and 34, Carroll discloses in Figure 14 a sample interface that includes a plurality of interface elements such as pull-down menus, buttons, and UI widgets that must have been parsed during the parsing process. The hierarchical nature of the interface, as illustrated in Figure 19, means that composite elements comprising multiple other interface elements will also be parsed.

17.   Referring to claims 13 and 35, recursive calls must be made in order to
successfully traverse an entire hierarchical structure. Accordingly, the assembling of the
one or more interface controls must occur recursively while maintaining relational links
between the controls and elements.

18.   Referring to claims 14, 15, 36, and 37, Carroll discloses in paragraph 240 that
the sample DTD specifies that each element can contain zero or more action elements,
followed by zero or more model elements, followed by a combination of component,
mainwindow, or splashWindow elements. Should the developer not use one or more of
the optional elements, they will inherently be removed from the final user interface.

19.   Referring to claims 16, 17, and 38, upon completing the creation of a user
interface, the interface file is inherently checked in and saved as an XML document.

20.   Referring to claim 18, Carroll discloses in paragraph 24 a system for creating a
user interface wherein the system comprises a parser, an application source code file,
an application interface file, an interface grammar, and an interface library. To create
the user interface, a developer first selects an application interface file. This step
'corresponds to the claimed step of receiving a user selection of a document type. In
paragraphs 235 and 236, Carroll discloses selecting "Bliss.xml" as the interface file,
which may be a new or an existing document. If it is an existing document a DTD will be
referenced in the first few lines, which defines the document's type and the grammatical
rules that it adheres to. In paragraphs 238 and 239, Carroll discloses referencing the
"Joy" DTD. The DTD is inherently retrieved at load time and the type and context

information is determined and mapped to the corresponding elements. Finally, the document is assembled and displayed as a GUI.

21.   Referring to claim 19, Carroll discloses in paragraph 304 that UI editor allows objects to be dragged from a palette and dropped onto a window.

22.   Referring to claim 20, Carroll discloses in paragraph 21 that the XML documents that describe the user interface are associated with a DTD and an XML Schema.

23.   Referring to claim 21, Carroll discloses in paragraph 304 and Figure 22 that the UI editor comprises a WYSIWYG graphical user interface.

24.   Referring to claim 22, Carroll discloses in Figure 14 a sample interface that includes a plurality of interface controls such as icons, pull-down menus, buttons, a window, and more.

Claim Rejections - 35 USC § 103

25.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

26.   Claims 10 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent Application Publication 2002/0085020 A1 Carroll, Jr.) and US Patent

Application Publication 2002/0087571 A1 (Stapel et al).

27.   Referring to claims 10 and 32, Carroll fails to disclose determining a hierarchical

context based on an Xpath. Stapel, however, discloses in paragraph 44 that using

Xpath for data representation improves the efficiency for storing and manipulating data

in XML format. Accordingly, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to use the Xpath standard for representing

hierarchical data in Carroll's invention because it would improve the efficiency for storing

and manipulating the XML data as suggested by Stapel.

Response to Arguments

28.   Applicant's arguments filed 1-12-2006 have been fully considered but they are

not persuasive. As discussed supra, the submitted affidavit is incomplete and thus fails

to remove the Carroll reference as a prior art reference under 35 U.S.C. 102 and 103.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dennis G. Bonshock whose telephone number is (571)

272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00

p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

3-23-06
dgb

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173